

## **Remark**

The Applicant respectfully requests reconsideration of this application as amended.

Claims 1 and 2 have been amended without prejudice to increase the clarity of the claims. No claims have been cancelled. Forty-four new claims, claims 3-46, have been added. Therefore, *✓* claims 1-4~~8~~<sup>4</sup> are now present for examination. Applicant respectfully submits that no new matter has been included by this amendment and that the new claims are fully supported by the disclosure as originally filed.

## **35 U.S.C. § 102 Rejection**

In the Office action, the Examiner rejected claims 1-2 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,480,107 of Bacon ("Bacon") which is owned by the assignee of the present invention. The Applicant respectfully disagrees with the Examiner's application of Bacon and now points out distinctions between the claimed subject matter and the disclosure of Bacon. Importantly, in order for a prior art reference to anticipate a claim, each and every limitation must be taught by the reference.

With respect to claim 1 as amended, Bacon does not teach a thrust differential between the first and second jet engines "created by a different power setting on one of two otherwise equally powered jet engines" (Emphasis added.) While column 6 of Bacon does indeed discuss a first main engine having a higher thrust than a second main engine, the thrust differential is not "created by a different power setting," but rather by one engine simply being larger (e.g., higher powered) than the other. Furthermore, claim 1 requires the thrust differential to be created between "two otherwise equally powered jet engines." The Applicant respectfully submits there is no teaching in Bacon regarding creating a thrust differential between two otherwise equally

powered jet engines by way of a different power setting on one of the jet engines. For at least these reasons, claim 1 is distinguishable over Bacon.

With respect to claim 2 as amended, Bacon does not teach “during ordinary operational cruise, running one of the first and second jet engines and reducing the power of the other jet engine while keeping it running” (Emphasis Added.) To be precise, the “Method of Operation” described in Bacon teaches shutting down the 1x conventional main engine during cruise (see Col. 7, lines 54-56). For at least this reason, claim 2 is distinguishable over the method of operation described in Bacon.

### **New Claims**

By this amendment, the Applicant proposes adding claims 3-46. To obviate a rejection of these new claims based upon Bacon, the Applicant points out the following differences between the invention as claimed and the teachings of Bacon. Importantly, none of the new claims, some of which might be narrower than claims as originally filed, have been added for purposes of patentability; rather, such claims have been added to provide depth and/or to address details previously left unclaimed by the claims as originally filed.

With respect to new independent claim 4, from which claims 5 and 6 depend, it requires the first jet engine and the second jet engine to be substantially identical, but the second jet engine has a lesser maximum thrust “as a result of limiting the second jet engine’s maximum thrust” (Emphasis Added.) The Applicant respectfully submits there is no teaching in Bacon regarding limiting the maximum thrust of one of two otherwise substantially identical engines to create a thrust differential between them. For at least this reason, claim 4 and its dependents are distinguishable over Bacon.

With respect to new independent claim 7, from which claims 8-10 depend, it includes limitations similar to those discussed above with reference to claim 1 and claim 4. For example, claim 7 requires “a pair of equally powered jet engines” with a first jet engine of the pair “having a lesser maximum thrust capability … as a result of limiting the first jet engine’s maximum thrust capability.” (Emphasis Added.) Consequently, one or more of the distinctions presented regarding claim 1 and/or claim 4 are thought to be equally applicable to claim 7.

With respect to new independent claims 11 and 14, from which claims 12-13 and 15-16 depend, they include limitations similar to those discussed above with reference to claim 2. As a result, one or more of the distinctions presented regarding claim 2 are thought to be equally applicable to claims 11 and 14.

With respect to new independent claim 17, from which claims 18-33 depend, it includes limitations similar to those discussed above with reference to claim 2. Therefore, one or more of the distinctions presented regarding claim 2 are thought to be equally applicable to claim 17.

With respect to new independent claim 34, from which claims 35-41 depend, it requires “a means for creating an engine thrust differential between the two or more jet engines during one or more flight segments in which the two or more jet engines both remain operating” (Emphasis Added.) In contrast, Bacon teaches shutting down one of the jet engines as discussed above with reference to claim 2. Therefore, for at least this reason, claim 34 is distinguishable over the method of operation described in Bacon.

With respect to new independent claim 42, from which claim 43 depends, it includes limitations similar to those discussed above with reference to claim 7. Therefore, one or more of the distinctions presented regarding claim 7 are thought to be applicable here as well.

With respect to new independent claim 44, it includes limitations similar to those discussed above with reference to claim 4. Therefore, one or more of the distinctions presented regarding claim 4 are thought to be equally applicable to claim 44.

With respect to new independent claim 45, it includes limitations similar to those discussed above with reference to claim 1. Therefore, one or more of the distinctions presented regarding claim 1 are thought to be equally applicable to claim 45.

With respect to new independent claim 46, it includes limitations similar to those discussed above with reference to claim 2. Therefore, one or more of the distinctions presented regarding claim 1 are thought to be equally applicable to claim 46.

With respect to the new dependent claims, they all depend from an allowable base claim and add additional limitations. Therefore, they are allowable over Bacon for at least the reasons discussed with reference to their corresponding base claims.

### **Conclusion**

Applicant respectfully submits that the rejections have been overcome by the amendment and remark, and that the claims as amended are now in condition for allowance. Accordingly, Applicant respectfully requests that the rejections be withdrawn and that a Notice of Allowance be issued for claims 1-46.

**Invitation for a Telephone Interview**

The Examiner is requested to call the undersigned at (303) 607-3633 if there remains any issue with allowance of the case.

**Charge our Deposit Account**

Please charge any shortage to our Deposit Account No. 06-0029

Respectfully submitted,  
FAEGRE & BENSON LLP



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## MARKED VERSION SHOWING CHANGES

### In the claims:

Presented below are the claims, as amended, with changes marked. Insertions are underlined, deletions are bracketed.

Please amend claims 1 and 2 as follows.

Please add new claims 3 - 46.

- 1 1. (Amended) A twin-engine jet aircraft configuration, comprising:
  - 2 (a) an airframe having a centerline along its longitudinal axis[ : ];
  - 3 (b) a first jet engine mounted within a plane vertical to the centerline;
  - 4 (c) a second jet engine mounted within said plane vertical to the centerline;
  - 5 (d) each of said first and second jet engines having a thrust adequate to takeoff,  
climb, cruise and land the aircraft at full gross weight without use of the other jet  
engine;
  - 6 (e) one of said first and second jet engines having a maximum thrust greater than the  
maximum thrust of the other of said first and second jet engines, said thrust  
differential created by a different power setting on one of two otherwise equally  
powered jet engines.
- 1 2. (Amended) A method of operating an aircraft comprising the steps of:
  - 2 (a) providing a first jet engine having a thrust adequate to takeoff, climb, cruise, and  
land the aircraft at full gross weight, and providing a second jet engine having a  
thrust greater than the thrust of the first jet engine, [whereby] each of the first and  
second jet engines is a "main" engine;
  - 6 (b) during take-off and climb, running the first jet engine and running the second jet  
engine;

8                   (c)     during ordinary operational cruise, running one of the first and second jet engines  
9                   and reducing the power of the other jet engine while keeping it running.

1    3. - 46. (New)